

BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for Early  
Termination of Probation of:

ROBERT J. LUCAS, P.A.,

Physician Assistant License No. PA 15947,  
  
Petitioner.

Case No. 950-2014-000189

OAH No. 2014070057

**DECISION**

This matter was heard on August 18, 2014, before a quorum of the Physician Assistant Board (Board), comprised of Robert Sachs, President, Charles J. Alexander, Ph.D., Michael Bishop, M.D., Sonya Earley, A. Cristina Gomez-Vidal Diaz, Jed Grant, Catherine Hazelton, Xavier Martinez, and Rosalee Shorter. Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, presided.

Megan R. O'Carroll, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Robert J. Lucas (petitioner) represented himself.

Evidence was received, the record was closed, and this matter was submitted for decision on August 18, 2014.

**FACTUAL FINDINGS**

1. On September 13, 2001, the Board issued Physician Assistant License No. PA 15947 to petitioner.

2. On February 15, 2011, an Accusation in Case No. 1E-2009-198587 (Accusation) was filed against petitioner. The Accusation sought to discipline petitioner's license based upon two driving under the influence (DUI) convictions that petitioner sustained in 2009.

3. On April 11, 2011, petitioner signed a Stipulated Settlement and Disciplinary Order (Stipulated Settlement) to resolve the charges set forth in the Accusation. In the Stipulated Settlement, petitioner agreed that his license would be placed on probation for four years subject to certain terms and conditions. On May 19, 2011, the Board adopted the Stipulated Settlement as its Decision and Order, effective June 17, 2011.

4. On July 6, 2013, petitioner filed a Petition for Early Termination of Probation (Prior Petition). On January 17, 2014, petitioner's Prior Petition was denied, effective February 14, 2014, pursuant to Business and Professions Code section 3530, subdivision (f), because he was still on criminal probation.<sup>1</sup>

5. Petitioner filed the current Petition for Early Termination of Probation (Petition) on March 8, 2014. In his narrative statement, petitioner stated that he was seeking early termination of probation primarily to allow him to gain hospital privileges at Cedars Sinai Medical Center of Los Angeles. His current probationary status prevents him from obtaining such privileges.

6. In his Petition, petitioner admitted that he is an alcoholic. His alcoholism led to daily drinking after work and on weekends. His heavy drinking sometimes resulted in "blackouts." Two of these blackout incidents resulted in his two DUI arrests and convictions. He has not had anything to drink or taken a "mind altering substance" since June 24, 2008. He recognized that he could not deal with his alcoholism alone, and "needed the help of others." He "jumped into the spiritual program of Alcoholics Anonymous with both feet." He "went to meetings daily, obtained a sponsor and worked the 12 steps." He voluntarily enrolled in Maximus in 2009, after he had been sober for one year. He completed the three-year Maximus program almost two years ago. He was monitored, tested and compliant in the Maximus program, and has been sober for six years.

7. The Maximus program has helped educate petitioner about "triggers, stress management techniques and identification of defects." But petitioner attributes "true, quality and long lasting recovery" to the 12 steps, and to his "continued involvement with the 12-step program and other people in recovery." To maintain his sobriety, petitioner has remained involved in AA. He has served on the Board of Central Office in Cathedral City. He is the Intergroup Service Representative for the Serenity Group in Cathedral City. He serves as a Hospitals and Institutions Panel Coordinator, arranging weekly Saturday night meetings at The Ranch Recovery Center for those participants who cannot get out of the facility to attend meetings. He is the literature "runner" for Fellowship Hall in Palm Desert. He authors a comic strip for a local newsletter, the Desert Lifeline. He leads a Step Worship called "AWOL: A way of life" every couple of months. This workshop is conducted on two Saturdays for individuals who are new to AA and those who want to have a better working

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<sup>1</sup> Business and Professions Code section 3530, subdivision (f), in relevant part, provides, "No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole."

knowledge of the 12 steps. He serves as a sponsor to a dying alcoholic who is in hospice care for terminal cancer. He also assisted in the preparation and delivery of a lecture to Medical Board investigators in May 2013. He continues to attend his Maximus Health Support Group as an alumni member. He attends AA meetings regularly, and has a "home group," which is the Attitude Adjustment Meeting at Fellowship Hall in Palm Desert. He also attends meetings "wherever" he goes, primarily in Los Angeles and Connecticut.

8. Petitioner has been a physician assistant for 31 years. He has taken continuing education and Board recertification courses. He maintains membership in several professional associations relating to physician assistants. Petitioner is married with children.

9. Petitioner submitted the following letters in support of his Petition:

(a) Andrew P. Orden, M.D., is a physician at the Mirage Surgery Center. Dr. Orden has supervised petitioner since 1987. In his letter, Dr. Orden described petitioner a "consummate professional and a terrific example to the doctors, P.A.'s and nurses around us." He stated that petitioner is a "productive, capable and reliable professional." According to Dr. Orden, petitioner's sobriety "has rolled over into his work persona ... making him one of the most liked and trusted people in the office." Petitioner's inability to get privileges at Cedars Sinai is a "hardship" to Dr. Orden's practice.

(b) Ritu R. Chopra, M.D., is in practice with Dr. Orden. Dr. Chopra has "observed and supervised [petitioner] continuously for the past five years," and serves as petitioner's on-site probation monitor. Dr. Chopra is impressed by petitioner's "surgical ability and knowledge." Dr. Chopra stated that petitioner's "attitude and professionalism are the best [Dr. Chopra] has observed in any physician assistant." Having petitioner's help has been "invaluable" to Dr. Chopra's practice. Dr. Chopra has been happy to adjust petitioner's schedule to allow him to engage in his recovery activities. Dr. Chopra supports the termination of petitioner's probation because "it creates a hardship for [their] practice" since Dr. Chopra is scheduling more surgery at Cedars Sinai.

(c) Rick Mesa is the President and CEO of The Ranch Recovery Centers, Inc. He has known petitioner approximately five years. He has witnessed petitioner's "growth and development in his recovery." Mr. Mesa attested to petitioner's "regular attendance at A.A. meetings and his willingness to help new members adjust to their new found sobriety." Petitioner "has consistently volunteered to bring an A.A. panel to [their] facility in order to introduce [their] clients to the sober resources available to them once they complete treatment." According to Mr. Mesa, petitioner "gives back by sharing his experience with sincerity, gratitude and humility."

(d) Joyce Francis, CADC, NCAC II, is with Professional Health Services. She has known petitioner for over five years. She wrote to describe petitioner's "on-

going progress with his program of recovery from his disease of addiction.” During petitioner’s participation in the Diversion program, he attended weekly health support groups that Ms. Francis facilitated. Petitioner successfully completed the Diversion program and “continues to attend group to support new members.” According to Ms. Francis, from the beginning, petitioner “has been highly motivated for recovery.” He has “embraced a clean and sober lifestyle through active participation in AA, working the 12 Steps, and using the program’s principles in all his affairs – both personal and professional.” Ms. Francis believes that petitioner has “an excellent program of recovery.” She sees “no indication this will not continue.”

(e) Laura Sweet is the Deputy Chief of Enforcement for the Medical Board of California. On May 22, 2013, she wrote to petitioner to thank him for participating in the Medical Board’s academy for new investigators. She praised his presentation for providing “solid background information regarding addiction as a disease and the consequences to healthcare professionals who suffer from addiction issues.” She appreciated that petitioner “shared [his] personal experiences with the class.”

10. When all the evidence presented at hearing is considered, petitioner established that it would be consistent with the public health, safety and welfare to grant his Petition. Given petitioner’s convictions, he was appropriately placed on probation for four years. Ordinarily, mere compliance with the terms and conditions of probation would not warrant terminating probation early. But the information presented by petitioner shows that he has gone well beyond what is required by the Stipulated Settlement. He accepted responsibility for his alcoholism. He has engaged in significant rehabilitation. He has actively embraced his recovery, and is volunteering to help others who are trying to recover. His commitment to sobriety appeared genuine and heartfelt. Given petitioner’s extensive and sincere efforts to remain sober and to promote the sobriety of others, his Petition should be granted.

## LEGAL CONCLUSIONS

1. Pursuant Business and Professions Code section 3530, subdivision (d), the Board considers the following factors when reviewing a petition for penalty relief: “all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner’s activities during the time the license was in good standing, and the petitioner’s rehabilitative efforts, general reputation for truth, and professional ability.”

2. When all the factors in Business and Professions Code section 3530, subdivision (d), are considered, petitioner established that it would be consistent with the public health, safety and welfare to grant his Petition, and terminate his probation early.

ORDER

The Petition for Early Termination of Probation of Robert J. Lucas is GRANTED.  
Petitioner's probation is terminated.

This decision shall become effective on the 3<sup>rd</sup> day of October, 2014

Dated: September 3, 2014

A handwritten signature in black ink, reading "Robert E. Sachs". The signature is written in a cursive, flowing style. The first name "Robert" is written with a large, prominent "R". The last name "Sachs" is written with a large, prominent "S". The signature is positioned above a horizontal line.

ROBERT SACHS, President  
Physician Assistant Board  
Medical Board of California  
Department of Consumer Affairs